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FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

David Osvaldo CRUZ-Zavala,

Defendant

Magistrate Docket No.

BY:

PDC

DEPUTY

07 MJ 2762

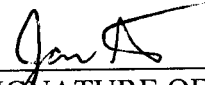
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **November 26, 2007** within the Southern District of California, defendant, **David Osvaldo CRUZ-Zavala**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

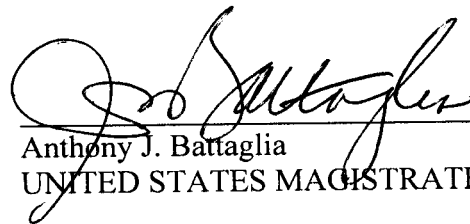
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF NOVEMBER,
2007



Anthony J. Battaglia

UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
David Osvaldo CRUZ-Zavala

PROBABLE CAUSE STATEMENT

On November 26, 2007 Senior Patrol Agent C. Llamas was performing linewatch duties in the Imperial Beach area of operations. At approximately 5:05 PM Agent Llamas responded to a call from a scope operator of an individual walking north in an area known as East Smugglers. This area is approximately three miles west of the port of entry at San Ysidro, California and approximately 100 yards north of the international boundary with Mexico.

Agent Llamas was directed to the location of the individual where he encountered an individual later identified as the defendant **David Osvaldo CRUZ-Zavala**, attempting to conceal himself in some dense brush. Agent Llamas identified himself to the defendant as a Border Patrol Agent and questioned the defendant as to his immigration status. The defendant admitted that he was a citizen and national of Mexico and was present in the United States illegally. The defendant was arrested and transported to Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 11, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant admitted to being a citizen and national of Mexico who had been ordered removed from the United States by an immigration judge. The defendant admitted that he did not receive permission from the Attorney General for permission to enter into the United States. The defendant admitted that his destination was Oregon.